

to the property owners' association is located. If the department issues a permit to a requesting political subdivision or property owners' association the permit shall contain specific instructions detailing the location to which the trapped white-tailed deer are to be transported or transplanted.

(d) After receipt of an application, the department may issue to the political subdivision or property owners' association a permit specifying:

- (1) the location to which trapped white-tailed deer must be transported; and
- (2) the purpose for which the trapped deer are to be used.

(e) The department may deny a political subdivision or a property owners' association a permit if no suitable destination for the trapped white-tailed deer exists.

(f) A political subdivision or property owners' association trapping and transporting white-tailed deer under this section must make reasonable efforts to ensure:

- (1) safe and humane handling of trapped white-tailed deer; and
- (2) minimization of human health and safety hazards in every phase of the trapping and transporting of white-tailed deer.

(g) A permit issued under this section may authorize a political subdivision or a property owners' association to trap and transport white-tailed deer only between October 1 of a year and March 31 of the following year, unless white-tailed deer found in the political subdivision or in the geographic area in which property subject to the property owners' association is located pose a threat to human health or safety, in which case the provision of Subsection (e) does not apply and a permit may authorize the political subdivision or property owners' association to trap and transport white-tailed deer at any time of the year.

(h) A permit issued under this section does not entitle a person to take, trap, or possess white-tailed deer found on any privately owned land without the landowner's written permission.

(i) The state is not liable for and may not incur any expense for the trapping and transporting of white-tailed deer under a permit issued under this section.

(j) The department may not charge a fee for a white-tailed deer trapping and transporting permit issued under this section.

(k) The commission may adopt rules necessary for the implementation of this chapter, including rules which enhance the opportunity to relocate overpopulation of urban deer and relating to required notification, record-keeping, permit conditions, and the disposition of trapped white-tailed deer.

SECTION 2. This Act takes effect September 1, 2003.

Passed the Senate on May 15, 2003, by a viva-voce vote; the Senate concurred in House amendments on May 29, 2003, by a viva-voce vote; passed the House, with amendments, on May 28, 2003, by a non-record vote.

Approved June 20, 2003.

Effective September 1, 2003.

CHAPTER 1242

S.B. No. 1639

AN ACT

relating to regulating the waters of the state, including the spacing and production of groundwater and the control of instream flows.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 36.116, Water Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) For better management of the groundwater resources located in a district or if a district determines that conditions in or use of an aquifer differ substantially from one geographic area of the district to another, the district may adopt different rules for:

(1) *each aquifer, subdivision of an aquifer, or geologic strata located in whole or in part within the boundaries of the district; or*

(2) *each geographic area overlying an aquifer or subdivision of an aquifer located in whole or in part within the boundaries of the district.*

(e) *In regulating the production of groundwater under Subsection (a)(2), a district:*

(1) *shall select a method that is appropriate based on the hydrogeological conditions of the aquifer or aquifers in the district; and*

(2) *may limit the amount of water produced based on contiguous surface acreage.*

SECTION 2. Subchapter B, Chapter 11, Water Code, is amended by adding Sections 11.0235, 11.0236, and 11.0237 to read as follows:

Sec. 11.0235. POLICY REGARDING WATERS OF THE STATE. (a) The waters of the state are held in trust for the public, and the right to use state water may be appropriated only as expressly authorized by law.

(b) *Maintaining the biological soundness of the state's rivers, lakes, bays, and estuaries is of great importance to the public's economic health and general well-being.*

(c) *The legislature has expressly required the commission while balancing all other interests to consider and provide for the freshwater inflows necessary to maintain the viability of the state's bay and estuary systems in the commission's regular granting of permits for the use of state waters.*

(d) *The legislature has not expressly authorized granting water rights exclusively for:*

(1) *instream flows dedicated to environmental needs or inflows to the state's bay and estuary systems; or*

(2) *other similar beneficial uses.*

(e) *The fact that greater pressures and demands are being placed on the water resources of the state makes it of paramount importance to reexamine the process for ensuring that these important priorities are effectively addressed in clear delegations of authority to the commission.*

Sec. 11.0236. STUDY COMMISSION ON WATER FOR ENVIRONMENTAL FLOWS. (a) In recognition of the importance that the ecological soundness of our riverine, bay, and estuary systems and riparian lands has on the economy, health, and well-being of the state there is created the Study Commission on Water for Environmental Flows.

(b) *The study commission is composed of 15 members as follows:*

(1) *two members appointed by the governor;*

(2) *five members appointed by the lieutenant governor;*

(3) *five members appointed by the speaker of the house of representatives;*

(4) *the presiding officer of the commission or the presiding officer's designee;*

(5) *the chairman of the board or the chairman's designee; and*

(6) *the presiding officer of the Parks and Wildlife Commission or the presiding officer's designee.*

(c) *Of the members appointed under Subsection (b)(2):*

(1) *one member must represent a river authority or municipal water supply agency or authority;*

(2) *one member must represent an entity that is distinguished by its efforts in resource protection; and*

(3) *three members must be members of the senate.*

(d) *Of the members appointed under Subsection (b)(3):*

(1) *one member must represent a river authority or municipal water supply agency or authority;*

(2) *one member must represent an entity that is distinguished by its efforts in resource protection; and*

(3) *three members must be members of the house of representatives.*

(e) *Each appointed member of the study commission serves at the will of the person who appointed the member.*

(f) *The appointed senator with the most seniority and the appointed house member with the most seniority serve together as co-presiding officers of the study commission.*

(g) *A member of the study commission is not entitled to receive compensation for service on the study commission but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the study commission, as provided by the General Appropriations Act.*

(h) *The study commission may accept gifts and grants from any source to be used to carry out a function of the study commission.*

(i) *The commission shall provide staff support for the study commission.*

(j) *The study commission shall conduct public hearings and study public policy implications for balancing the demands on the water resources of the state resulting from a growing population with the requirements of the riverine, bay, and estuary systems including granting permits for instream flows dedicated to environmental needs or bay and estuary inflows, use of the Texas Water Trust, and any other issues that the study commission determines have importance and relevance to the protection of environmental flows. In evaluating the options for providing adequate environmental flows, the study commission shall take notice of the strong public policy imperative that exists in this state recognizing that environmental flows are important to the biological health of our parks, game preserves, and bay and estuary systems and are high priorities in the permitting process. The study commission shall specifically address ways that the ecological soundness of these systems will be ensured in the water allocation process.*

(k) *The study commission:*

(1) *shall appoint an advisory scientific committee that will:*

(A) *serve as impartial scientific advisors and reviewers for the study commission; and*

(B) *have a membership of no fewer than five and no more than nine total members chosen by the study commission to represent a variety of areas of relevant technical expertise;*

(2) *may appoint additional advisory committees to assist the study commission; and*

(3) *may draft proposed legislation to modify existing water rights permitting statutes.*

(l) *Not later than December 1, 2004, the study commission shall issue a report summarizing:*

(1) *any hearings conducted by the study commission;*

(2) *any studies conducted by the study commission;*

(3) *any legislation proposed by the study commission; and*

(4) *any other findings and recommendations of the study commission.*

(m) *The study commission shall promptly deliver copies of the report to the governor, lieutenant governor, and speaker of the house of representatives.*

(n) *The study commission shall adopt rules to administer this section.*

(o) *The study commission is abolished and this section expires September 1, 2005.*

Sec. 11.0237. WATER RIGHTS FOR INSTREAM FLOWS DEDICATED TO ENVIRONMENTAL NEEDS OR BAY AND ESTUARY INFLOWS. (a) *The commission may not issue a new permit for instream flows dedicated to environmental needs or bay and estuary inflows. This section does not prohibit the commission from issuing an amendment to an existing permit or certificate of adjudication to change the use to or add a use for instream flows dedicated to environmental needs or bay and estuary inflows.*

(b) *This section does not alter the commission's obligations under Section 11.042(b), 11.046(b), 11.085(k)(2)(F), 11.134(b)(3)(D), 11.147, 11.1491, 16.058, or 16.059.*

(c) *This section expires September 1, 2005.*

SECTION 3. Subsections (d) and (e), Section 11.147, Water Code, are amended to read as follows:

(d) In its consideration of an application to store, take, or divert water, the commission shall *include in the permit, to the extent practicable when considering all public interests, those conditions considered by the commission necessary to maintain* ~~consider the effect, if any, of the issuance of the permit on~~ existing instream uses and water quality of the stream or river to which the application applies.

(e) The commission shall *include in the permit, to the extent practicable when considering all public interests, those conditions considered by the commission necessary to maintain* ~~also consider the effect, if any, of the issuance of the permit on~~ fish and wildlife habitats.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Passed the Senate on May 1, 2003: Yeas 31, Nays 0; May 29, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0; passed the House, with amendments, on May 23, 2003: Yeas 145, Nays 0, two present not voting; May 30, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 131, Nays 8, two present not voting.

Approved June 20, 2003.

Effective June 20, 2003.

CHAPTER 1243

S.B. No. 1642

AN ACT

relating to the establishment of a geriatric education and care research center at The University of Texas Health Science Center at Tyler.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter K, Chapter 74, Education Code, is amended by adding Section 74.604 to read as follows:

Sec. 74.604. EAST TEXAS CENTER FOR RURAL GERIATRIC STUDIES. (a) In this section:

(1) "Board" means the board of regents of The University of Texas System.

(2) "Center" means the East Texas Center for Rural Geriatric Studies.

(b) The board may establish the East Texas Center for Rural Geriatric Studies at The University of Texas Health Science Center at Tyler for purposes of:

(1) researching issues in geriatrics, gerontology, and long-term care for the elderly, with an emphasis on the elderly living in rural and nonmetropolitan areas; and

(2) providing related resources in East Texas and other rural areas in this state for training and research for:

(A) professionals in medicine, including psychiatry, and in nursing, pharmacy, and allied health fields who provide health care to the elderly;

(B) caregivers and advocates for the elderly; and

(C) individuals employed by agencies that provide services to the elderly.

(c) The organization, control, and oversight of the center are vested in the board.

(d) If the board establishes the center, the board shall: